

NATIONAL ASSEMBLY SECRETARIAT

REPORT OF THE STANDING COMMITTEE ON CABINET SECRETARIAT ON THE NATIONAL AIR TRANSPORTATION SAFETY BOARD BILL, 2014

I, the Chairman of Standing Committee on Cabinet Secretariat have the honour to present this report on the Bill to ensure compliance of international air safety standards and to formulate standards and guidelines for conduct of independent and impartial investigation [the National Air Transportation Safety Board Bill, 2014] (Private Member's Bill), referred to the Committee on 8th March, 2014.

2. The Committee consists of the following:-

1)	Rana Muhammad Hayat Khan	Chairman
2)	Malik Ibrar Ahmad	Member
3)	Syed Javed Ali Shah	Member
4)	Sardar Muhammad Irfan Dogar	Member
5)	Sardar Mansab Ali Dogar	Member
6)	Ms. Parveen Masood Bhatti	Member
7)	Ms. Nighat Parveen Mir	Member
8)	Ms. Shahnaz Saleem	Member
9)	Ms. Seema Mohiuddin Jameeli	Member
10)	Ms. Farhana Qamar	Member
11)	Mr. Rasheed Ahmed Khan	Member
12)	Rana Muhammad Qasim Noon	Member
13)	Dr. Mahreen Razzaq Bhutto	Member
14)	Pir Shafqat Hussain Shah Jilani	Member
15)	Mr. Abdul Hakeem Baloch	Member
16)	Mr. Asad Umar	Member
17)	Ms. Nafeesa Inayatullah Khan Khattak	Member
18)	Moulvi Agha Muhammad	Member
19)	Syed Ali Raza Abidi	Member
20)	Dr. Khalid Maqbool Siddiqui	Member
21)	Sheikh Aftab Ahmed	Ex-officio Member

Minister Incharge for Cabinet Secretariat

3. The Committee considered the Bill in its meetings held on 9th February, 30th March, 20th April, 26th August & 21st September, 2016 and 24th July, 2017. The Committee recommends that the Bill placed at Annexure-A may not be passed by the Assembly.

sd/-
(JAWAD RAFIQUE MALIK)
Secretary
Islamabad, the 11th August, 2017

sd/-
(RANA MUHAMMAD HAYAT KHAN)
Chairman
Standing Committee on Cabinet Secretariat

AS INTRODUCED IN THE NATIONAL ASSEMBLY]

A
BILL

A

BILL

To provide for constitution of an independent National Air Transportation Safety Board to ensure compliance of international air safety standards and to formulate standards and guidelines for conduct of independent and impartial investigations, to carry out investigations and inquiries into air accidents, to propose recommendations for safety and protection of passengers travelling by air as well as ensure provision of compensation to victims of air accidents and matters connected therewith or ancillary thereto

WHEREAS it is expedient to provide for constitution of an independent National Air Transportation Safety Board to ensure compliance of international air safety standards and to formulate standards and guidelines for conduct of independent and impartial investigations and inquiries into incidents, occurrences and air/ground accidents for safety and protection of passengers travelling by air as well as ensure provision of compensation to victims of air accidents and matters connected therewith or ancillary thereto; It is hereby enacted as follows :-

1. **Short title, extent and commencement.** (1) This Act may be called the National Air Transportation Safety Board Act, 2014.
 - (2) It extends to the whole of Pakistan.
 - (3) It shall come into force at once.
2. **Definitions.** in this Act unless there is anything repugnant in the subject or context,-

- (a) "accident" means any happening including air crash wherein either the passengers are injured or lost their lives due to partial damage or complete destruction of an aeroplane due to any reason whether technical or otherwise;
- (b) "incident" An occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation
- (c) "international occurrences" accidents and serious incidents occurring in the territory of a Contracting State to aircraft registered in another Contracting State;
- (d) "occurrences" accidents and serious incidents occurring in the territory of the State of Registry;
- (e) "aircraft or aeroplane" means any aircraft as defined in the Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960) or any aeroplane which is registered or permitted to be used under any law, rules or regulations, etc., for air transport or travelling of passengers by any airline by the concerned authorities;
- (f) "airline or air transport service" means any national or international airline company or air transport service whether registered in Pakistan or in any other country which is providing air transport and travelling facilities to passengers;
- (g) "airport" means airport as defined in clause (c) of section of Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960), or in any other law for the time being in force;
- (h) "authority" means any authority which is required under any law or rules, regulations, etc., as the case may be, for compliance and enforcement of standards of air safety and other requirements about

fitness of any aeroplane for air transport of passengers;

- (i) "Board" means the National Air Transportation Safety Board established under this Act;
- (j) "Chairperson" means Chairperson of the Board;
- (k) "Civil Aviation Authority" means an authority established by the Federal Government;
- (L) "Civil flight" is one of two major categories of flying, representing all non-military aviation, both private and commercial
- (m) "Commercial flight" or "Commercial flying" means Commercial flying as defined in the Ordinance;
- (n) "compensation" means an amount paid to passengers of an aeroplane travelling on board in addition to any insurance amount paid in accordance with internationally agreed standards or in the light any international Convention or practice recognized as such by International Air Transport Association (IATA) or any other such organization responsible for regulations of quality and standards of air transport and travelling internationally;
- (o) "Fund" means the National Air Transportation Safety Board Fund;
- (p) "inquiry report" means an interim or final findings of any inquiry committee constituted under the provisions of the Act containing investigations and fact finding inquiry or any other inquiry in any accident;
- (q) "insurance money" means any amount paid to any passenger travelling on board an aeroplane paid in accordance with internationally agreed standards or in the light any international Convention or practices recognized as such;
- (r) "investigations and inquiry" means investigations and inquiry

conducted to ascertain causes for any accident or air crash of an aeroplane within territorial limits of Pakistan;

(s) "member" means a member of the Board;

(t) "Ordinance" means Civil Aviation Ordinance, 1960 (Ordinance No. XXXII of 1960);

(u) "parliamentary committee" means a committee consisting of four members each of the Senate and National Assembly nominated by the Chairman and the Speaker respectively having equal representation of the treasury and opposition and headed by the Leader of the House in the National Assembly constituted whenever there is any vacancy in the Board immediately after occurrence of such vacancy but not later than sixty days of such vacancy;

(v) "passenger" means a person travelling by air within country or in an international flight from any airport of Pakistan;

(w) "prescribed" means prescribed under rules and regulations;

(x) "rules" means rules made under the provisions of the Act;

(y) "regulations" means regulations made under the provisions of the Act; and

(z) "standards of air safety" means standards prescribed by the Board for air transport within country or internationally recognized standards of air safety under any Convention recognized by the Federal Government" as the case may be.

(2) All words and phrases used but not defined in this Act shall have the same meaning as in the Ordinance.

3. **Application.**—This Act applies in respect of accidents, incidents or occurrences:

(a) in or over Pakistan;

- (b) in or over any place that is under Pakistan air traffic control; and
- (c) in or over any other place, if
 - (i) Pakistan is requested to investigate the aviation international occurrence by an appropriate authority, or
 - (ii) the accident involves an aircraft in respect of which, or that is operated by A person to whom, a Pakistani licence has been issued under appropriate law.

4. **Establishment of National Air Transport Safety Board.**- (1) As soon as may be alter the commencement of this Act, the Prime Minister shall, in consultation with the parliamentary committee, appoint the Board within thirty days after the nominations received from the parliamentary committee for the purpose of this Act.

(2) The Board shall consist of five members including a Chairperson for a term of five years.

(3) Three members of the Board shall be persons who shall be appointed on the basis of their technical qualifications in the fields of air safety, engineering, air transportation safety, air transport regulation or flying with well recognized educational qualifications, professional standing and demonstrated knowledge in the relevant fields.

(4) One member shall be nominated by the Civil Aviation Authority being a professional, airline pilot/aeronautical engineer.

(5) The Chairman shall be a person who shall be eligible to be appointed on the basis of his knowledge, expertise and experience in aviation investigations who shall be appointed for a period of three years, which may be extended for another term, and having age not more than sixty-five years.

(6) The terms of members appointed under sub-section (3) shall be for a period of three years:

Provided that any person appointed to fill a vacancy occurring on the Board prior to the expiration of the term of office for which his predecessor was appointed shall be appointed for the remaining part of that term.

(7) The members or Chairperson of the Board may remain as such during the prescribed term of their offices:

Provided that the Prime Minister may remove any member appointed as member of the Board if the majority of the members of the Board are of the opinion that he is unable to perform his functions efficiently, has not or is unable to attend five consecutive meetings with no reasonable excuse, or his conduct is proved unworthy of being a member due to any credible information received to the Prime Minister and formally investigated after giving notice of hearing to such member.

(8) The Chairperson shall be the chief executive officer of the Board and shall be responsible to take all decisions of administrative nature from time to time for purposes of this Act.

(9) The Board shall be a body corporate by the name of the National Air Transport Safety Board having perpetual succession and a common seal, and may sue and be sued by the said name.

(10) The Board shall be competent to acquire and hold any property, both movable and immovable, and to lease, sell or otherwise transfer any movable and immovable property which may have become vested in or been acquired by it from time to time.

(11) The Board shall meet from time to time but there shall be at least one meeting within every quarter of the year.

(12) No act or proceedings of the Board shall be invalid by reason only of the existence of a vacancy in or defect in the constitution of the Board.

(13) All decisions of the Board shall be expressed in terms of majority of total membership of the Board.

(14) There shall be a Secretary of the Board who shall be appointed for a period of three years through a competitive process having prescribed educational qualifications, integrity and professionalism in administration and management on such remuneration as the Board shall deem fit and necessary who shall make arrangements for meetings of the Board and record their minutes and decisions, etc. and perform such other functions as prescribed.

(15) There shall be no confidentiality of proceedings of the Board as well as decisions of the Board any person may get a certified copy of minutes or decisions of the Board certified under the signature and stamp of the Secretary of the Board.

5. Functions and powers of the Board.— The Board shall perform functions

and exercise powers as under :

(a) to formulate guidelines for safety of air transport services in collaboration and in consultation with all concerned national international authorities or organizations working in the field of air safety of air transport services and passengers;

(b) to decide standard compensation for victims of accidents aeroplanes or air-crashes;

(c) to investigate and inquire into incidents, international or domestic occurrences and accidents of Commercial Civil aircrafts used for air transport services within country;

(d) to carry out investigations and inquiry proceedings of any aircrafts

registered or permitted to be used as air transport service at international routes including any airline owned by the Federal Government:

(e) to coordinate with licensing and regulatory organizations to ensure compliance of air safety standards for aircrafts used by any air transport service with collection of data and information about their periodical inspections before actual flights of such aircrafts;

(f) to formulate recommendations for terms and conditions and fitness of pilots and other crew members of Commercial/Civil flights;

(g) to make recommendations for safety and necessary minimum facilities to be provided to passengers by any air transport service;

(h) to report on the facts, conditions and circumstances of each accident investigated and cause such reports to be made available to the general public within reasonable time but not later than fifteen days after the conclusion and completion of such reports;

(i) The Board shall establish and maintain distinct and appropriately staffed bureaus, divisions, or offices to investigate and report on accidents involving aviation;

(j) to issue periodic reports to the Parliament, Provincial Assemblies and any other agency concerned with air transportation safety;

(k) to make periodic recommendations to reduce the likelihood of recurrence of air transportation services incidents, domestic occurrences and accidents similar to those investigated by the Board;

(l) to propose corrective steps to make the transportation as safe and free from risk of injury as is possible, including steps to minimize human injuries from air transportation accidents;

(m) to initiate and conduct special studies and special investigations on

matters pertaining to safety in air transportation services including human injury avoidance;

(n) to assess and reassess techniques and methods of accident investigation and prepare and publish from time to time recommended procedures for air accident investigations and inquiries;

(o) to establish by regulation requirements binding on persons reporting aviation incidents, occurrences and accidents subject to the Board's investigatory jurisdiction under this sub-section, and accidents and aviation incidents involving public aircraft other than aircraft of the Armed Forces;

(p) to evaluate the adequacy of safeguards and procedures concerning the transportation of hazardous materials and the performance of Federal Government and other agencies charged with assuring the safe air transportation services of such materials connected with air transportation services, etc.; and

(q) to take all other steps which are necessary to achieve aims and objects of the Act.

6. Procedure and meetings of the Board.— (1) The Board shall regulate procedure of its meetings by making regulations as prescribed.

(2) All meetings of the Board shall be presided over by its Chairperson and in his absence by any person as may be nominated by the Chairperson on his behalf and decisions of such meeting which may be presided over by a nominee on behalf of the Chairperson shall be subject to confirmation and approval of the Chairperson.

(3) All decisions of the Board shall be taken with consensus and in the absence of such consensus by simple majority of the total membership of the Board.

(4) The quorum for any meeting of the Board shall not be less than three

members including the Chairperson.

(5) The Board shall meet at least once during each quarter of the calendar year.

(6) Decisions of the Board shall be recorded by the Secretary of the Board who shall circulate such decisions for confirmation to each member and the Chairperson within ten days of each such meeting.

(7) Secretary of the Board shall be responsible for implementation of decisions of the Board under the direction, supervision and control of the Chairperson.

(8) The Secretary shall report progress on implementation of each decision taken by the Board in the next following meeting of the Board.

7. Secretary. (1) The Secretary shall be the in-charge of the secretariat of the Board and perform his functions under the direction, control and supervision of the Chairperson.

(2) The Chairperson or the Board, as the case maybe, may delegate powers to the Secretary as prescribed through regulations.

(3) The Secretary shall be responsible for day to day administration and management of affairs of the Board and administration of employees and officers of the Board.

(4) The Secretary shall be paid such salary and allowances as determined by the Board from time to time or prescribed by the regulations.

(5) The Secretary shall have the powers and perform the following functions, namely :-

(a) recording of minutes of the meetings of the Board and circulation of such minutes for signature of members within ten days after any such meeting;

(b) to provide the copy of approved minutes to each and every member of

the Board as well as to give wide publicity in press by issuing press releases;

(c) preparation of reports including audit of accounts containing all incomes and expenditure and submission of such reports before the Board in consultation with the Chairperson;

(d) to look after affairs of employees of the Board and their terms and conditions of service after their appointments through a transparent, competitive and merit based system of selections and their conduct, efficiency and discipline during their service under the Board under the direction and supervision of the Chairperson;

(e) prepare reports regarding working of Board;

(f) payment of salaries and emoluments and other benefits to the employees and officers of the Board;

(g) to assist the Board and the Chairperson in preparation of investigation and inquiry reports about incidents, occurrences and accidents and other matters being investigated and inquired by the Board;

(h) to interact and coordinate all national and international authorities or organizations, etc., if deemed necessary by the Board, to seek guidance and assistance to recommend standards of air transport safety and services of air transport services or airlines and to assist the Board in different matters;

(i) to notify and constitute inquiry committees for investigation and inquiry of any matter regarding air transport safety and passengers facilitation from time to time and publish such reports with the approval of the Board;

(j) to co-opt experts and professionals during the conduct of investigations and inquiries in consultation and with the approval of the Board;

(k) to make public all inquiry reports within sixty days after completion of such investigation and inquiry reports for information of general public and compliance of concerned authorities and organizations;

(l) to appoint all officers and officials of the Board and prescribe their terms and conditions of service and other related matters for pay, conduct, discipline and efficiency;

(m) to approve budget, authorise expenditures and all other necessary expenses for the purposes of the Act;

(n) to delegate its powers and functions to any person or a committee, as the case may be; and

(o) to take all necessary steps and adopt such measures which are required to achieve the objectives of the Act.

8. **Investigations and inquiries.** - (1) The Board shall conduct investigations and inquiries notwithstanding any other inquiry by any other Committee or Commission constituted by the Federal Government or by a Provincial Government in the matter in the light of its functions and powers.

(2) Any investigation of an accident conducted by the Board under sub-section (1) shall have priority over all other investigations of such accident conducted by any other Federal and Provincial Government agencies, committees or commissions, etc., as the case may be.

(3) The Board shall provide for the appropriate participation by the Federal and Provincial Government agencies in any such investigation, except that such agencies may not participate in the Board's determination of the probable cause of the accident:

Provided that nothing in this sub-section impairs the authority of other Federal or Provincial Government agencies to conduct investigations of an accident under applicable provisions of any law or to obtain any information

directly from parties involved in, and witnesses to, the air transportation accident.

(4) The Board shall ensure that appropriate information obtained or developed in the course of its investigations is exchanged in a timely manner to the Federal Government or the concerned Provincial Government, as the case may be, if so necessary.

(5) The Chairperson, the Board or any inquiry or fact-finding inquiry committee appointed by the Chairperson or the Board, as the case may be, have all powers as vested to a Court of Sessions Judge under the provisions of the Code of Criminal Procedure, 1898 (Act No. V of 1898), regarding conduct of any inquiry, criminal proceedings, trial, summoning of witnesses, recording of their statements, summoning any expert or in all matters which are necessary for conduct of any investigation, inquiry or fact-finding inquiry or study and all authorities of the Federal and Provincial Governments shall be bound to provide necessary assistance to the Chairperson, the Board or any inquiry or fact-finding committee, as the case may be, from time to time, if so desired or required by the Chairperson, the Board or any such inquiry or fact-finding inquiry committee,

(6) Any employee or a member of the Board, upon presenting appropriate credentials and on a written notice of inspection authority, is authorized to enter any property wherein an air transportation accident has occurred or wreckage from any such accident is located and to carry out necessary actions for a proper investigation, including examination or testing of any vessel, vehicle, track, or component or any part of any such item.

(7) Any examination or testing shall be conducted in such manner so as not to interfere with or obstruct unnecessarily the transportation services provided by the owner or operator of such vessel, vehicle, track, and shall be

conducted in such a manner so as to preserve, to the maximum extent feasible, any evidence relating to the air transportation accidents, consistent with the needs of the investigation and with the cooperation of such owner or operator.

(8) Any employee of the Board may inspect records, files, papers, processes, controls and facilities relevant to the investigation of such accident.

(9) Each inspection, examination, or test shall be commenced and completed with reasonable promptness and the results of such inspection, examination or test be made available to any person in a prescribed manner.

(10) The Board shall have sole authority to determine the manner in which testing will be carried out under this sub-section including determining the persons who will conduct the test, the type of test which will be conducted and the persons who will witness the test and such determinations are committed to the discretion of the Board and shall be made on the basis of the needs of the investigation being conducted by the Board and, where applicable, the provisions of this sub-section.

(11) In case of refusal to obey a subpoena, an order, or an inspection notice of the Board, or of any duly designated employee thereof, by any person who resides, is found, or transacts business within the jurisdiction of any district court, such district court shall, upon the request of the Board, have jurisdiction to issue to such person an order requiring such person to comply forthwith and failure to obey such an order is punishable by such court as a contempt of court.

(12) The Board or any person so authorized by the Board is authorized to enter into without regard, such contracts, leases, cooperative agreements, or other transactions as may be necessary in the conduct of the functions and

the duties of the Board under this chapter, with any government entity or any person.

(13) The Board is authorized to obtain, and shall be furnished with the autopsy reports performed by officers or officials of Federal Government, Provincial Government or an employee of on any person who dies as a result of having been involved in an air transportation accident within the jurisdiction of the Board and, if necessary, the Board may order the autopsy or seek other tests of such persons as may be necessary for the investigation of the accident:

Provided that to the extent consistent with the need of the accident investigation, provisions of local law protecting religious beliefs with respect to autopsies shall be observed.

(14) The Board in this regard is particularly authorized toll

- (i) use, on a reimbursable basis or otherwise, when appropriate, available services, equipment, personnel and facilities of any of the related Ministries, Divisions, Departments, Organizations and of other civilian or military agencies and instrumentalities of the Federal Government or a Provincial Government;
- (ii) confer with employees and use available services, records, and facilities of the Federal or Provincial Government, municipal or local governments and other agencies;
- (iii) employ experts and consultants;
- (iv) appoint one or more advisory committees composed of qualified private citizens or officials of Federal or Provincial Governments, as it deems necessary or appropriate;
- (v) accept voluntary and uncompensated services notwithstanding any other provision of law;

(vi) enter into contracts with public or private, non-profit entities for the conduct of studies related to any of its functions; and

(vii) require payment or other appropriate consideration from Federal Government or Provincial Government agencies, and Provincial Governments for the reasonable cost of goods and services supplied by the Board and to apply the funds received to the Board's appropriations and budget.

9. **Special powers of the Board.** - (1) The Board is empowered to designate representatives to serve or assist on such committees as the Chairperson determines to be necessary or appropriate to maintain effective liaison with other Federal Government or Provincial Government agencies, and with local governments and with independent standard-setting bodies carrying out programmes and activities related to air transportation safety.

(2) The Board, or an employee of the Board duly designated by the Chairperson, may conduct an inquiry to secure data with respect to any matter pertinent to air transportation safety, upon publication of notice of such inquiry in the official Gazette; and may require, by special or general orders, Federal or Provincial Governments or a local government and persons engaged in air transportation of people or property in commerce to submit written reports and answers to such requests and questions as are propounded with respect to any matter pertinent to any function of the Board.

(a) Reports under sub-section (2) shall be submitted to the Board or to such officer within such reasonable period of time and in such form as the Board may determine and copies thereof shall be made available for inspection by the general public.

10. **Annual report of the Board.** - (1) The Board shall publish its annual

report containing all necessary information upto the thirty-first day of the December, each year which will be laid on the table of each House of the Parliament before the thirty-first day of March the following year.

(2) Annual report of the Board under sub-section (1) shall include but shall not be limited to

i. a statistical and analytical summary of the air transportation accident, incident or occurrence investigations conducted and reviewed by the Board during the preceding calendar year;

ii. a survey and summary, in such detail as the Board deems advisable, of the recommendations made by the Board to reduce the likelihood of recurrence of such accidents together with the observed response to each such recommendation;

iii. an appraisal in detail of the accident investigation and accident prevention activities of other governmental agencies charged by Federal or Provincial Governments in the field of air transport services;

and

iv. a biennial appraisal and evaluation and review, and recommendations for legislative and administrative action and change, with respect to air transportation safety.

11. **General access to information.** Copies of any communication, document, investigation or other report, or information received or sent by the Board, or any member or employee of the Board, shall be made available to the general public upon identifiable request, and at reasonable cost, unless such information may not be publicly released pursuant to any other provision of the Act :

Provided that the Board shall not disclose any information which is concerned or related to a trade secret.

12. Public disclosure of cockpit voice recorder recordings and

transcriptions, etc. (1) Notwithstanding any other provision of the law, the Board shall withhold from public disclosure cockpit voice recorder recordings and transcriptions, in whole or in part, of oral communications by and between flight crew members and ground stations, that are associated with accidents or incidents investigated by the Board :

Provided that portions of a transcription of oral communications which the Board determines relevant and pertinent to the accident or incident under investigation shall be made available to the general public by the Board.

- i. if the Board conducts a public hearing with respect to such accident or incident, at the time of such hearing; and
- ii. if the Board does not conduct such a public hearing, at the time when a majority of other factual reports regarding the accident or incident are published.

(6) Nothing in this section shall restrict the Board at any time from referring to cockpit voice recorder information in making safety recommendations.

13. National Air Transportation Safety Board Fund. (1) There shall

be formed a non-lapsable fund vesting in the Board to be known as the NATSB Fund, hereinafter to be referred as the Fund, for the purposes of meeting charges in connection with the functions and operations of the Board under this Act including payment of salaries and other remuneration payable to the Chairperson, members, committees, officers and officials of the Board.

experts, consultants, advisers and other persons engaged from time to time by the Board.

(2) The Fund shall be consisting of the following, namely :

(a) grants made by the Federal Government or any Provincial Government or local authority;

(b) funds provided by the Federal Government or any Provincial Government or local authority;

(c) loans obtained from the Federal Government or any Provincial Government or local authority;

(d) other funds, grants or loans obtained by the Board;

(e) foreign aid, grants and loans negotiated and raised or otherwise obtained by the Board;

(f) sums charged for provision of its services by the Board; and

(g) amounts or moneys from any other lawful sources with the approval of the Federal Government.

14. **Budget.**- The Board in respect of each financial year submit for the approval of the Federal Government by such date and in such form as may be specified by the Federal Government a statement showing the estimated receipts and current and development expenditure and the same which are likely to be required from the Federal Government during the next financial year.

15. **Audit and accounts.**- (1) The Board shall maintain complete and accurate books of accounts of its actual expenses and receipts as prescribed.

(2) The Board shall cause to be carried out audit of its accounts by one or more auditors who are chartered accountants within the meaning of the Chartered Accountants Ordinance, 1961 (X of 1961) appointed by the Federal Government in consultation with the Auditor General of Pakistan from a

panel of chartered accountants proposed by the Board on such remuneration as the Federal Government may determine.

16. Chairperson, members, officers and officials, etc., to be public servants. The Chairperson, members, officers and officials including the experts, consultants, advisors and members of the committee so appointed, etc., of the Board shall be deemed to be public servants within the meaning of section 21 of the Pakistan Penal Code (Act XLV of 1860).

17. Indemnity.— No suit, prosecution or other legal proceedings shall lie against the Board, Chairperson, members, officers and officials including the experts, consultants, advisors and members of the committees so appointed, etc., exercising any power or performing any function under the provisions of the Act in good faith.

18. Power to make rules.— The Federal Government shall on the advice of the Board shall make rules for procedure of the Board, terms and conditions of officers and officials and other matters as provided in the Act and such rules shall be effective after their publication in the official Gazette :

Provided that first rules shall be made within three months of the constitution of the Board.

19. Power to make regulations.— The Board shall make regulations for the purposes of the Act as prescribed which will be effective after their publication in the official Gazette :

Provided that first regulations shall be made within three months of the constitution of the Board.

20. Exemption from taxes.— The Board Fund shall be exempt from all kinds of taxes or levies under any law in force for the time being.

Industrial relations laws shall not be applicable. No law relating to trade unions shall be applicable on employees of the Board.

21. Act to override other laws. The provisions of this Act shall have effect notwithstanding anything to the contrary contained in any other law regarding investigation and inquiry in accidents of aircraft or aeroplane used by any airline or air transport service for the time being in force and any such law to the extent to any inconsistency cease to have any effect from the date this Act comes into force.

22. Removal of difficulties. (1) If any difficulty arises in giving effect to any provision of the Act, the Federal Government may, by notification published in the official Gazette, may make such provisions, not inconsistent with the provisions of this Act, as may appear to it to be appropriate or necessary for the purpose of removal of such difficulty.

(2) No power under sub-section (1) shall be exercised after two years of the commencement of this Act.

STATEMENT OF OBJECTS AND REASONS

There is no law relating to provision of independent investigations and inquiries regarding air transportation accidents and consequently such investigations and inquiries are being conducted by institutions that are regulators and therefore not entirely independent. Such a board must be independent from transport regulators policy makers and service providers.

At present, in Pakistan the Civil Aviation Authority, which is a regulator, is investigating air accidents, which does not make investigation independent. As a regulator in any eventuality, it must itself come under scrutiny.

Consequently, recent air accident investigations have been neither conclusive nor been able to receive public trust. In addition investigations are

conducted with extensive help from external and foreign agencies, with little indigenous capacity and expertise. As such there is a need to develop national institutional and forensic expertise in the fields of air investigations, and transportation safety". The victims of air-crashes and air accidents are without any hope of their survivals due to nature of such accidents. Thus, this law provides for setting up an authority answerable to the public through the parliament that will have the expertise and the power -to investigate, report and recommend the changes that need to be made to ensure appropriate safety mechanisms for prevention of air accidents as well as to determine compensation and ensure payment of such compensation within reasonable time after proper investigations and inquiries.

4. Bill seeks to achieve the above-said aims and objects.

Sd/-

Dr. Nafisa Shah
Dr. Azra Fazal Pechuho
Khawaja Gulam Rasool Koreja
Mr. Asghar Ali Shah,
Members, National Assembly.